

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/218.308 12/22/98 SERES

C

GLENN L WEBB  
P O BOX 951  
CONIFER CO 80433

MM12/1001

EXAMINER

NGUYEN,A

ART UNIT

PAPER NUMBER

2854

DATE MAILED 10/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/218,308</b>	Applicant(s) <b>Chris Seres et al.</b>
	Examiner <b>Anthony Nguyen</b>	Group Art Unit <b>2854</b>

Responsive to communication(s) filed on Dec 22, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2854

Claims 1- 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1,10 and 20, note that applicant appears to be claiming a protective device - not a protective device in combination with a dispensing device or a printer. Applicant is required to state on the record whether the claims are intended to be drawn to the protective device or to a combination of a protective device and a printer. If the latter is applicants intention, the claim language should clearly reflect this. Additionally, there is no proper antecedent basis for "the document feed path opening" (claim 1 line 2 and claim 11 lines 4,5), "the dispensing device" (claim 1 lines 5,6), "the cover assembly" (claim 4 line 3). With respect to claim 9, the term "substantially" is indefinite and has no clear structure in meaning.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,8,10,14,18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by each of the patents to Frick (3,747,735), Hirano (JP 0,172,544) and Otsubo (JP 404,358,869).

Each of the patents to Frick and Otsubo teach a protective device having means for covering the document feed path opening of a printing device and means for providing access to

Art Unit: 2854

the document that is fed from the printing device. For examples, Fig. 1 of Frick which shows a protective device 7 having means 8 covering a document feed path opening and means 11 which lets the document 12 to be fed out. Otsubo teaches a protective device 1a which cover the document feed path opening and means 7 for providing assess to the document 5 which is just printed from a printing device as shown in Figs.1-7 and 9 of Otsubo. Hirano teaches a protective device having means 58 which covers the document feed path opening and means 53 for the document 65 to be passed through as shown in Fig.3,4 and 6 of Hirano. Thus, the protective devices of Frick, Otsubo and Hirano meet the structure as broadly recited in claims 1,2,8,10,14,18 and 20.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, 9, 11-13,15,17 and 19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over each of the patents to Frick, Hirano and Otsubo.

Each of the patents to Frick, Otsubo and Hirano teaches a protective device having structure which renders obvious the structure as broadly claimed. See the explanation of Frick, Otsubo and Hirano. With respect to claims 3 and 4, the protective device 7 of Frick appears to be

Art Unit: 2854

integral part of the printer and secured by means 6 to the cover or housing 5. With respect to claims 9 and 19, the selection of a desired material which can be dishwasher involves only an obvious matter of design choice based upon obvious experimentation. Thus, Frick, Otsubo and Hirano render obvious the protective device structure as broadly recited by the claims.

The patents to Moore et al., Denley, Watabe, Igarashi, Otani. and Gomoll are cited to show other method and structures having obvious similarities to the claimed method and structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869 . The examiner can normally be reached daily from 9 AM to 5PM.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869.

The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached on (703) 308-0719. The fax phone number for this Group is (703) 308-5841.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

AH N  
September 27, 1999

  
John Hilten  
Primary Examiner